

# Exhibit A

\_\_\_\_\_<sup>x</sup>  
In the Matter of the Arbitration

Between

UNITED SCENIC ARTISTS LOCSL USA-829,  
IATSE, AFL-CIO,  
UNION

(Failure to Pay)

and

PARADISE SQUARE BROADWAY LIMITED  
PARTNERSHIP and BERNRD ABRAMS,  
EMPLOYER

\_\_\_\_\_<sup>x</sup>  
Carol Wittenberg, Arbitrator

The undersigned was designated under the Collective Bargaining Agreement ("Agreement") as the Arbitrator of the dispute described below. A hearing was held on June 1, 2022 via ZOOM. The Employer was notified multiple times concerning their availability to attend the hearing and following the hearing date being set down, the Employer was invited to attend via ZOOM. In light of the Employer's failure to respond to any of the Arbitrator's communications, the hearing proceeded ex parte and the Union was represented by Frank Moss, Esquire, Spivak Lipton LLP.

Paradise Square Broadway LP and Bernard Abrams entered into a "Letter of Adherence" dated August 16, 2021 which represents that the Letter "shall serve as an Agreement between Paradise Square Broadway LP (Employer) and any Principal of the Employer, hereinafter collectively referred to as the Employer or Producer

and United Scenic Artists, Local USA 829 of the International Alliance of theatrical Stage Employees, hereinafter referred to as the Union." The Letter of Adherence binds the Employer to "...accept and be bound by all the terms and conditions of the Agreement between the Union and the Broadway League, Inc. dated January 1, 2019 through December 31, 2020 or its successor agreement. The Letter of Adherence is signed by Cathy Kwon, Business Representative for Live Performance and Bernard Abrams for Paradise Square Broadway LP and is appended to the Award.

The Employer hired Designers and Assistant Designers to work on the production. In addition to the Agreement, each of the Designers and Assistant Designers have individual contracts with the Employer. The Union alleges that there are outstanding payments due to these employees in seven separate categories: outstanding fees; minimum wage guarantees, pension and welfare contributions; annuity payments, out of pocket reimbursements; union dues; and 401K salary deferral payment.

Attached to this AWARD is a description of the first five categories of outstanding payments to specific individuals named within each category. The total amount of monies owed is \$143,215.85, which is categorized as follows: \$38,703 for the fourth tranche of 1099 wage payments; \$60,500 in weekly guarantees; \$22,724.18 in pension and welfare contributions; \$7,067.47 in annuity payments; \$11,192.47 in reimbursements for out-of-pocket

expenses; and \$3,028,62 in union dues. The minimum weekly guarantees extend through the duration of the production. As such, the following Designers are due minimum weekly guarantees as follows: Allen Moyer - \$1,000 per week; Don Holder - \$1,000 per week; Jon Weston - \$8,250 per week; Toni-Leslie James - \$1,000 per week; and Wendall Harrington - \$1,750 pr week. Additionally, Shawn Boyle is owed \$8,250 for salary deferral of his 401K contribution. The total of all payments due is \$156,965.85. Cathey Kwon, Business Representative for Live Performance, United Scenic Artists, USA 829, affirmed that the General Manager of the production confirmed that the Union's calculations of unpaid monies was correct.

Therefore, on the basis of the record before me, I make the following Award.

#### **AWARD**

The grievance is sustained. The Employer violated the Agreement when it failed to compensate Designers and Assistant Designers for services rendered in connection with the musical production of Paradise Square. The requested award of monies owed as of May 29, 2022 as detailed in the "Outstanding Payments" chart attached is (\$143,215.85) in addition to \$5500 weekly in minimum weekly guarantees and \$8,250 in 401K salary deferral, for a total of \$156,965.85 is granted.

The Arbitrator also grants the following requested remedies if the Employer fails to comply with the Arbitrator's Award:

1. Interest payments on unpaid pension contributions in the amount of 1% per month from April 3, 2022.
2. Interest on unpaid payments on welfare and annuity

- contributions in the amount of 5% per annum from April 3, 2022.
3. In the event the Union is compelled to go to court to confirm this Award, the Employer, both Paradise Square Broadway LP and Bernard Abrams, shall be responsible for legal fees incurred by the Union to enforce the Award.
  4. In the event that payment in full is not made within six months of the date of this Award, all rights to the production owned by either Employer-Producer shall be transferred to the four Designers who have outstanding fees due, namely, Allen Moyer, Don Holder, Jon Weston and Toni-Leslie James.

Dated: June 1, 2022

Carol Wittenberg

STATE OF NEW YORK

ss:

COUNTY OF NEW YORK

I, CAROL WITTENBERG, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument, which is my award.

6/1/2022

(Date)

Carol Wittenberg

(Signature)





UNITED  
SCENIC  
ARTISTS

The Representative Voice of Designers and Scenic Artists

As of August 16, 2021

Bernard Abrams  
Paradise Square Broadway LP  
1200 Bay Street, Suite 1201  
Toronto, ON M5R 2A5  
Canada

Re: Letter of Adherence to the Agreements between United Scenic Artists, Local USA 829, IATSE and the Broadway League, Inc.

Dear Mr. Abrams:

This letter when signed by you shall serve as an Agreement between Paradise Square Broadway LP (Employer) and any Principal of the Employer, hereinafter collectively referred to as the Employer or Producer and United Scenic Artists, Local USA 829 of the International Alliance of Theatrical Stage Employees, hereinafter referred to as the Union. "Principal" means a general partner of a partnership (including any general partner of the general partner); a managing member of a limited liability company (including any managing member of general partner of the managing member); the majority owner of a corporate employer; or a sole proprietorship.

The Employer hereby agrees to accept and be bound by all the terms and conditions of the Agreement between the Union and the Broadway League, Inc. dated January 1, 2019 through December 31, 2022 or its successor agreement.

Sincerely,

Cathy Kwon  
Business Representative for Live Performance

Accepted and Agreed to:

Bernard Abrams  
For Paradise Square Broadway LP

**PARADISE SQUARE**  
**Outstanding Payments**

<b>TOTAL DUE:</b>	<b>\$ 143,215.85</b>
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Outstanding Fee + Advance		
Allen Moyer	\$	12,125.00
Don Holder	\$	11,250.00
Jon Weston	\$	9,140.62
Toni-Leslie James	\$	6,187.50
	\$	38,703.12
OUTSTANDING FEE		

MINIMUM WEEKLY GUARANTEES		
Allen Moyer	\$	11,000.00
Don Holder	\$	11,000.00
Jon Weston	\$	8,250.00
Toni-Leslie James	\$	11,000.00
Wendall Harrington	\$	19,250.00
	\$	60,500.00
OUTSTANDING MWG		

	P&W PAID	P&W DUE	BALANCE OWED
Allen Moyer	\$ 8,475.50	\$ 10,750.00	\$ (2,274.50)
Don Holder	\$ 8,475.50	\$ 10,750.00	\$ (2,274.50)
Jon Weston	\$ 5,739.50	\$ 8,331.25	\$ (2,591.75)
Toni-Leslie James	\$ 8,385.50	\$ 8,600.00	\$ (214.50)
Shawn Boyle (Designer)	\$ -	\$ 4,138.75	\$ (4,138.75)
Wendall Harrington	\$ 6,450.00	\$ 6,450.00	\$ -
Warren Karp	\$ 13,920.50	\$ 15,101.40	\$ (1,180.90)
John Millerd	\$ 10,978.01	\$ 12,532.22	\$ (1,554.21)
Ryan Howell	\$ 339.27	\$ 339.27	\$ -
Jacob Chasman-Beck	\$ 678.54	\$ 678.54	\$ -
Michael Magaraci	\$ 10,111.60	\$ 9,726.33	\$ 385.27
Karen Sue Spahn	\$ 6,758.81	\$ 8,728.01	\$ (1,969.20)
Colleen Doherty	\$ 1,687.35	\$ 2,475.61	\$ (788.26)
Hannah Chalman	\$ 5,249.52	\$ 5,249.52	\$ -
Rachel Levy	\$ 1,124.91	\$ 1,874.83	\$ (749.92)
Shawn Boyle	\$ 4,748.38	\$ 8,938.94	\$ (4,190.56)
Brittany Bland	\$ -	\$ 1,182.40	\$ (1,182.40)
	\$ 93,122.89	\$ 115,847.07	
			\$ 22,724.18
			OUTSTANDING P&W DUE

ANNUITY DUE		
Total Annuity Owed	\$	23,673.22
Total Annuity Remitted	\$	16,605.75
	\$	7,067.47
OUTSTANDING ANNUITY		

REIMBURSEMENT DUE		
Allen Moyer	\$	1,192.47
Wendall Harrington	\$	10,000.00
	\$	11,192.47
OUTSTANDING REIMBURSEMENTS		

DUES		
Total Dues Owed	\$	11,836.61
Total Dues Remitted	\$	8,807.99
	\$	3,028.62
OUTSTANDING DUES		